

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. 3879



Introduced by REP. RONALDO B. ZAMORA

EXPLANATORY NOTE

The Philippines has been recorded as among the top countries with most number of disasters and natural calamities. According to the International Red Cross and Red Crescent Societies, the Philippines is the fourth most accident prone country in the world. The two institutions arrived at this conclusion after finding out that some 5,809,986 Filipinos were killed or injured as a result of disasters or man-made calamities over a ten-year period (1992-2001).

According to the Philippine Red Cross, 31,835 Filipinos were killed and 94,369,462 others were affected by natural disasters and calamities in a span of 20 years.

Data from the Disaster Response Operations Monitoring and Information Center (DROMIC) showed that there were 313 disaster incidents in the country in 2002, up from only 199 incidents in 2001. In particular, there were 120 fire incidents that affected 15,430 households in 2002, 63 deportation or relocation incidents, 22 armed conflicts that distressed 8,891 families, 22 bombing incidents or explosions, 22 flashfloods that affected 234,414 households, and 7 destructive typhoons that distressed 568,345 families. Other types of disasters that happened in 2002 were vehicular accidents, sea mishap, tornado, massacre, plane crash, and earthquakes.

The Philippines, true to the fact, is a country prone to natural disasters. Typhoon Haiyan is one of the deadliest natural disasters ever to hit our country. But it's far from the only one since we are located in an area that has been struck by a number of major storms.

We have suffered from an inexhaustible number of deadly typhoons, earthquakes, volcano eruptions and other natural disasters. This is due to its location along the Ring of Fire, or typhoon belt – a large Pacific Ocean region where many of Earth's volcanic eruptions and earthquakes occur.

It is the policy of the State, as provided under the Constitution, to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate services, promote full employment, a rising standard of living, and an improved quality of life for all.

This State policy may never be realized in a situation where our provinces and areas are devastated by series of natural calamities and disasters. The need for rebuilding and rehabilitation in these areas is imperative and urgent.

This proposed legislation aims to create the National Rehabilitation and Reconstruction Development Authority (NRRDA), which shall accelerate the early recovery, reconstruction and rehabilitation of areas affected by disasters. The NRRDA shall be the central planning and implementing authority of government with regard to the rehabilitation and reconstruction of areas affected by disasters of a magnitude scale which has left the areas under the state of calamity. The Authority is empowered, capacitated, and focused in order to fulfill its mandate better. Rather than being a mere coordinating agency, it is empowered to be an implementing authority, with the aim of building back better.

There is a need to establish an Authority which shall focus its efforts on addressing the impacts on the economy of disasters. For instance, according to a Bloomberg report, the economic impact of super typhoon Yolanda in the country may reach up to US\$ 14 Billion (PhP 604 Billion). Thus, aside from merely establishing the Authority, this legislation also seeks to support survivors, communities, and the affected areas themselves towards self-resiliency and the rebuilding of damaged/devastated infrastructure as fast as possible to spur economic growth in the soonest time after the disaster.

Lastly, the bill envisions the creation of Special Zones for Reconstruction in order to speed up the process of rebuilding, offering various incentives and systems for faster economic growth in areas hit by a disaster. It also has authority to receive donations and/or grants from local or foreign sources, and issue reconstruction bonds in consultation with the Monetary Board and the Department of Finance. Accountability, responsibility and transparency mechanisms are put in place to ensure that all funds entrusted to it are used only for the purposes intended.

In view of the foregoing, immediate consideration and passage of this proposed measure is earnestly sought.


RONALDO B. ZAMORA

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**AN ACT ESTABLISHING THE NATIONAL REHABILITATION AND
RECONSTRUCTION DEVELOPMENT AUTHORITY (NRRDA) AS THE CENTRAL
PLANNING AND IMPLEMENTING AGENCY ON THE EARLY RECOVERY AND
REHABILITATION OF DISASTER-STRICKEN AREAS IN THE PHILIPPINES,
PROVIDING THE AUTHORITY WITH THE POWER TO ADMINISTER AN EARLY
RECOVERY AND REHABILITATION PROGRAM TRUST ACCOUNT, AND FOR
OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Short Title. – This Act shall be known as the “National
Rehabilitation and Reconstruction Development Authority (NRRDA) Act of 2013.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to:

(a) Accelerate, foster, and promote the early recovery, reconstruction, and
rehabilitation of areas affected by humanitarian emergencies and disasters, that are or
have been placed under a state of local or national calamity, through the establishment
of an agency, which shall be the central planning and implementing authority of
government with regard to the rehabilitation and reconstruction of such areas affected
by disasters of a magnitude scale;

(b) Adopt and implement plans, projects, programs, and activities which aim to
build back better in the areas affected by humanitarian emergencies and disasters
towards the restoration of stability and the rebuilding of lives, as fast as possible, and
the accelerated growth of affected areas to development levels which are higher than
pre-disaster; and

(c) Support and assist survivors of humanitarian emergencies and disasters in
damaged, destroyed or devastated areas, through their direct involvement in efficient
and effective early recovery/rehabilitation, repair, and reconstruction efforts through
participatory, inclusive, and community-based approaches.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms are
hereby defined as follows:

(a) “Disaster” means a serious disruption of the functioning of a
community/society involving widespread human, material, economic or environmental
losses and impacts, which exceeds the ability of the affected community/society to cope

using its own resources;

(b) "Early Recovery" refers to a multi-dimensional process of restoring the capacity of national and local institutions and communities to recover from a disaster, enter transition, and avoid relapses. It aims to generate and/or reinforce nationally owned processes for post-crisis recovery which are resilient and sustainable;

(c) "Emergency" is any occasion or instance for which, in the determination of the President, national assistance is needed to supplement local government efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the country;

(d) "Government" includes the National Government, and any of its subdivisions, agencies or instrumentalities, including government-owned and controlled corporations and their subsidiaries, and Local Government Units;

(e) "Reconstruction" pertains to the full restoration of all services, and local infrastructure, replacement of damaged physical structures, the revitalization of economy and the restoration of social and cultural life;

(f) "Rehabilitation" comprises actions taken in the aftermath of a disaster to enable basic services to resume functioning, assist the self-help efforts of the survivors in repairing physical damage and community facilities, revive economic activities and provide support for the psychological and social well-being of the survivors. It focuses on enabling the affected population to resume normal, pre-disaster, patterns of life; and

(g) "Victims" means individuals or groups who have died or disappeared as a result, on the occasion of, or immediately after, a humanitarian emergency or disaster. This includes those who have been displaced and/or who sustained injury or suffered death in their immediate family in connection with the humanitarian emergency or disaster.

CHAPTER I GENERAL PROVISIONS

SEC. 4. Purposes of Early Recovery, Reconstruction, and Rehabilitation. . –

The State recognizes and implements the aims of early recovery from humanitarian emergencies or disasters, which include, but are not limited to the:

(a) Augmentation of emergency assistance operations through the development of humanitarian plans and the restoration of programs aimed at rebuilding affected communities;

(b) Support to recovery efforts by the affected areas through self-reliance and community-based activities; and

(c) Establishment of the foundations for longer-term recovery, reconstruction and rehabilitation, towards accelerated growth and development.

SEC. 5. Responsibility of the Government. – The Government shall have the responsibility to lead, ordain, and implement guidelines, plans, programs, and projects on measures for the early recovery, reconstruction, and rehabilitation of areas affected by humanitarian emergencies or disasters, and to take related necessary measures, as stipulated under relevant laws. In the performance of its role, the Government shall, at all times, coordinate with, consult, and encourage the active participation of the private sector, civil society/non-governmental organizations, and communities affected by disasters.

CHAPTER II THE AUTHORITY

SEC. 6. National Rehabilitation and Reconstruction Development Authority (NRRDA). – There is hereby established a National Rehabilitation and Reconstruction Development Authority (NRRDA), hereinafter referred to as the Authority.

The Authority shall be an independent and autonomous body and shall have the same status as that of a national government agency. It shall be attached to the Office of the President. The President shall exercise control and supervisory powers over the Authority.

The Authority shall execute the powers and functions herein vested and conferred upon it in such manner as will, in its best judgment, aid to the fullest possible extent in carrying out the aims and purposes set forth in this Act. The Authority shall be organized within sixty (60) days from the effectivity of this Act.

SEC. 7. Composition of the Authority. – The Authority shall be composed of a Director-General, and three (3) Deputy Directors-General, to be appointed by the President.

The Director-General shall manage the Authority, instruct and supervise its officials and personnel, and perform such functions and exercise such powers necessary for the implementation of the mandate of the Authority. The Director-General shall be assisted by the Deputy Directors-General in the discharge of his/her powers and functions. The Director-General shall have the continuing authority to organize the structure, personnel, and staffing complement of the Authority in accordance with the needs, demands, and exigencies of the service, subject to pertinent existing laws.

The Authority shall be assisted by an advisory body composed of the secretaries of various agencies dedicated to reconstruction, as well as two (2) representatives from the academe who have expertise/competence in disaster recovery, reconstruction and rehabilitation; one (1) representative from the business sector; and one (1) representative from the nongovernmental organizations. The representatives shall be appointed by the President from a list of nominees submitted by their respective groups and endorsed by the Commission. They shall serve for a maximum term of three (3) years: *Provided*, however, that such appointment, may be terminated by the President for good reasons. Appointment to any vacancy shall be only for the unexpired term of the predecessor. The President and the Vice-President of the Philippines shall be *ex officio* members of the Advisory Board.

In addition, in the areas affected by the humanitarian emergency or disaster, the body shall also include, as appropriate, the Provincial Governor, the Member of the House of Representative, City/Municipal Mayor, *Punong Barangay*, the Members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* and/or *Sangguniang Bayan*, and representatives of non-governmental organizations operating in the affected area/s, who shall constitute not less than one-fourth (1/4) of the members of the fully organized body.

SEC. 8. Plans to be Formulated within One Year. – Within one year upon its organization, and within one month after the occurrence of any disaster or humanitarian emergency referred to it, the Authority shall formulate and report to the President of the Philippines, with the utmost expedition and without undue delay or haste, a comprehensive, consolidated, effective, and efficient plan and/or recommendation for the accelerated early recovery, reconstruction, and rehabilitation of areas affected by any disaster or humanitarian emergency, in accordance with the aims and purposes of this Act.

SEC. 9. Approval of Plans. Upon approval by the President of the plans and recommendations referred to in the next preceding section, he/she shall direct the Authority to implement them with dispatch and efficiency. The President shall issue such executive orders or proclamations as may be necessary to reserve or transfer such lands or public property to the Authority, subject to the payment of just compensation in appropriate cases, as are needed by it to accomplish the purposes of this Act.

SEC. 10. Meetings of the Authority. – The Director-General and the Deputy Directors-General shall convene every first and third Monday of every month, or as often as it may deem necessary in light of the urgency/necessity to implement early recovery and rehabilitation efforts, due to a humanitarian emergency or disaster.

In the event that the Director-General shall be unable or cannot preside the meeting, one of the Deputy Directors-General shall undertake such function; *Provided*, however, that a resolution or decision to that effect and import shall be approved by at least two (2) Deputy Directors-General.

SEC. 11. Qualifications, Tenure, Compensation, and Removal of the Director-General and the Deputy Directors-General. – The Director-General and the Deputy Directors-General must be Filipino citizens, residents of the Philippines, at least thirty (30) years of age at the time of appointment, and with proven track record and competence on humanitarian emergency or disaster recovery, reconstruction, and/or rehabilitation.

The Director-General and the Deputy Directors-General shall hold office for a period of six (6) years, and may be subject to re-appointment: *Provided*, that no person shall serve for more than two (2) consecutive terms. Such appointment may be terminated by the President for good reasons. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

In no case shall any of them appoint representatives to act on their behalf. Likewise, no Director-General or Deputy Director-General shall be designated in a temporary or acting capacity.

The Director-General and the Deputy Directors-General shall have the rank and privileges of a Department Secretary and Undersecretary, respectively. They shall be entitled to corresponding compensation and other emoluments and shall be subject to the same disqualifications.

SEC. 12. Powers and Functions. – The Authority shall have the following powers and functions:

(a) Draft and finalize plans, policies, and guidelines for the early recovery, reconstruction and rehabilitation of areas affected by a humanitarian emergency or disaster, which have been placed under a state of national or local calamity;

(b) Implement early recovery, reconstruction, and rehabilitation plans, projects, activities, and measures, in areas which have been placed under a state of national or local calamity;

(c) Direct local government units and agencies concerned, with the consent of the President, to implement early recovery, reconstruction and rehabilitation plans, projects, activities, and measures, in areas which have been placed under a state of national or local calamity;

(d) Exercise oversight functions over all Government agencies and offices, local government units, non-government organizations, and persons engaged in the

implementation of early recovery, reconstruction and rehabilitation efforts, with respect to their performance of such functions;

(e) Recommend guidelines for the early recovery, reconstruction and rehabilitation of areas disaster-affected areas, which have not been placed under a state of national or local calamity;

(f) Promote national support for, and coordinate reconstruction plans, projects, activities, and measures conducted/implemented by local government units or other government agencies;

(g) Support the transition of communities affected by a humanitarian emergency or disaster towards stability and return to normalcy of lives, as fast as possible, and the accelerated growth of the areas affected, even at development levels higher than pre-disaster;

(h) Recommend legislation, policies, strategies, programs on and appropriations for early recovery, reconstruction and rehabilitation of areas affected by a humanitarian emergency or disaster;

(i) Recommend the issuance of government bonds in order to secure necessary funds for the reconstruction of areas affected by a humanitarian emergency or disaster and placed under a state of calamity: *Provided*, that such bonds shall be managed distinctively from other bonds and their redemption schedule shall be clarified in advance by taking measures stipulated, in accordance with relevant and applicable laws, rules and regulations;

(j) Recommend other mechanisms to secure financial resources for the reconstruction of areas affected by a humanitarian emergency or disaster and placed under a state of calamity, including, but not limited to, carrying out a thorough review of the budget of government, reducing expenditures for reconstruction measures, and coordinating with the private sector;

(k) Initiate, organize, and call to order, whenever considered necessary, the conduct of special investigations and discussions relative to the reconstruction of areas affected by a humanitarian emergency or disaster, which discussion shall consist of relevant national agencies and local government units, and other experts on early recovery, reconstruction, and rehabilitation;

(l) Require the submission of documents, opinions, explanations, and other instruments/materials, and direct the cooperation of related administrative agencies or public/private organizations, when considered necessary for the reconstruction of areas affected by a humanitarian emergency or disaster and placed under a state of calamity;

(m) Recommend the relaxation of requirements, non-exaction of standards, and the waiver of fees/documents, when in accordance with and not contrary to law, in order to support, hasten, and accelerate the reconstruction of areas affected by a humanitarian emergency or disaster which have been placed under a state of calamity; and

(n) Perform such other functions as may be necessary for the effective implementation of this Act.

SEC. 13. Reconstruction Design Council. – A Reconstruction Design Council is hereby created. The Council shall, upon consultation with the Director-General and the Deputy Directors-General, investigate and discuss important issues concerning reconstruction efforts and make recommendations as necessary, investigate and

discuss the implementation status of measures for the reconstruction and state its recommendations to accelerate the recovery and development of the affected areas.

The Council shall consist of a Head and seven (7) Members who shall be experts in reconstruction and rehabilitation, including, but not limited to, architects, engineers, scientists, and geologists. The Head and Members shall be selected from a list submitted by the Commission and appointed by the President.

SEC. 14. National Headquarters and Reconstruction Offices. – The Commission shall maintain its National Headquarters at a convenient place within the National Capital Region, but it may have branch/satellite reconstruction offices in such other places as are necessary for the proper conduct of its business.

SEC. 15. Trust Account. – The Authority shall have the power to establish, manage, and maintain one or more trust account/s for all funds relating to its functions. Any and all money received by the Authority in the course of the conduct of its operations as the primary agency involved in rehabilitation work, save for those earmarked for operating expenses, shall be deposited into such trust account/s with an approved financial institution, as soon as practicable after it is received.

CHAPTER III SPECIAL ZONE FOR RECONSTRUCTION

SEC. 16. Special Zone for Reconstruction. – The Authority shall, with the approval of the President and on the basis of proposals from local government units in disaster-affected areas which have been placed under the state of calamity, promote efforts for reconstruction by providing a system of special arrangements for deregulation and other related measures in designated areas.

The Authority shall, in cooperation with the private sector, also recommend the institution of a system of incentives and privileges in order to hasten and accelerate growth and development in the said areas, including, but not limited to, achieving the promotion of the availability of jobs and other livelihood opportunities, the stability of prices of basic commodities, and the re-establishment/development of industries and enterprises.

To this end, the Government shall periodically examine the systems implemented in the designated areas in a comprehensive manner and promptly take necessary legislative/regulatory measures.

SEC. 17. Criteria for Designation. – The Authority shall prioritize the designation of areas which have suffered from a major disaster, which in the determination of the President, has caused damage of sufficient severity and magnitude to warrant disaster assistance to supplement the efforts and available resources of the local government unit/s concerned in alleviating the damage, loss, hardship, or suffering caused thereby.

CHAPTER IV DONATIONS, APPROPRIATIONS, AND FISCAL MATTERS

SEC. 18. Authority to Receive Donations and/or Grants. – The Authority is hereby authorized to accept grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of its mandate.

In case of donations from foreign governments, acceptance thereof shall be subject to prior clearance/approval of the President upon recommendation of the

Department of Finance. However, such donations shall not be used to fund personal services expenditures and other operating expenses of the Authority.

SEC. 19. Operating Expenses. – For the operating expenses of the Authority for the year 2014, the sum of One Billion Pesos is hereby appropriated out of any general fund in the National Treasury not otherwise appropriated. Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the annual General Appropriations Act.

SEC. 20. Power to Issue Bonds. – Whenever the Authority may deem it necessary for it to incur indebtedness or to issue bonds to carry out the provisions of this Act, it shall, by resolution, so declare and state the purpose for which the proposed debt is to be incurred. In order that such resolution be valid, it shall be passed by the unanimous affirmative vote of the Director-General and the Deputy Directors-General, and approved by the President of the Philippines upon the recommendation of the Secretary of Finance, after consultation with the National Economic and Development Authority and the Monetary Board of the *Bangko Sentral ng Pilipinas*.

SEC. 21. Bond Limits. – The bonds issued under this Act shall in no case exceed the amount of Fifty Million pesos: *Provided*, that no single issue shall exceed ten million pesos and that no further issue shall be made if eighty per centum (80%) of the immediately preceding issue is not yet sold.

The bonds shall be issued in such amounts as will be needed at any one time, taking into account the rate at which said bonds may be absorbed by the buying public and the fund requirements of projects ready for execution, and considering further a proper balance between productive and non-productive projects so that inflation shall be held to the minimum.

SEC. 22. Terms and Conditions of Bonds. – The Secretary of Finance, in consultation with the Monetary Board, shall prescribe the form, the rates of interest, the denominations, maturities, negotiability, convertibility, call and redemption features, and all other terms and conditions of issuance, placement, sale, servicing, redemption, and payment of all bonds issued under this Act.

The bonds issued by virtue of this Act may be made payable both as to principal and interest in Philippine currency or any readily convertibly foreign currency. Said bonds shall be receivable as security in any transaction with the Government in which such security is required.

SEC. 23. Exemption from Tax. – The Commission shall be exempt from all taxes, of whatever nature and kind, incidental to its operations.

SEC. 24. Sinking Fund. – A sinking fund shall be established in such manner that the total annual contributions thereto, accrued at such rate of interest as may be determined by the Secretary of Finance in consultation with the monetary Board, shall be sufficient to redeem at maturity the bonds issued under this Act. Said fund shall be under the custody of the *Bangko Sentral ng Pilipinas* which shall invest the same in such manner as the Monetary Board may approve; charge all expenses of such investments to said sinking fund, and credit the same with the interest on investments and other income belonging to it.

SEC. 25. Guarantee by the Government. – The Republic of the Philippines hereby guarantees the payment of both the principal and the interest of the bonds, debentures, collaterals, notes or such other obligations issued under this Act. In the event of the Authority's inability to pay the said principal and interest, the Secretary of Finance shall pay the amount thereof which is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, and thereupon, to the extent of the

amounts so paid, the Government of the Republic of the Philippines shall succeed to all the rights of the holders of such bonds, debentures, collaterals, notes or other obligations unless the sums so paid by the Republic of the Philippines shall be refunded within a reasonable time.

CHAPTER V MISCELLANEOUS PROVISIONS

SEC. 26. Accountability, Responsibility, Transparency, and Access to Information. - The Authority and all offices under its supervision or control, shall make available to the public for scrutiny, copying, and reproduction, (i) any and all records of their financial transactions, including, but not limited to, donations received, funds allocated, and amounts disbursed; (ii) all information pertaining to their official acts, transactions or decisions; and (iii) relevant research data used as basis for policy development, regardless of the physical form or format in which such record, information, or data is contained.

The Authority shall also upload such records, information or data on its website, which shall be regularly updated every fifteen (15) days. In case of voluminous records, information or data, the Authority may, in its discretion, upload only an executive summary thereof, with a note outlining the procedure/requirements to obtain full access to the complete record, information, or data.

The record, information, or data uploaded in the websites may be withdrawn after a period of three (3) years from the time of uploading; *Provided*, That an abstract thereof shall remain uploaded in the website, with an indication of the dates of posting and withdrawal, and a note outlining the procedure/requirements to obtain full access to the withdrawn record, information, or data.

SEC. 27. Auditing. - The Chairperson of the Commission of Audit shall be *ex-officio* Auditor in charge of the auditing office of the Authority. He/she shall appoint a representative who shall be the auditor thereof. Such representative shall render an annual report on the financial condition and operations of the Authority, to be submitted by the Commission on Audit to the President and the Congress; *Provided*, that before such report is submitted, the Authority shall be given reasonable opportunity to examine the exceptions and criticisms of the auditor, to point out, explain or answer any inaccuracies therein, if any, and to file a statement which shall be appended by the auditor of the Authority and the Commission on Audit in their respective reports.

SEC. 28. Annual Report. - The Authority shall submit to the Office of the President, the Senate, and the House of Representatives, within the first quarter of the succeeding year, an annual report relating to the progress of the implementation of all recovery, rehabilitation and reconstruction efforts, and a detailed inventory of available personnel, supplies and equipment. Such report shall be made available to the public for scrutiny, copying, and reproduction, and shall also be uploaded in the Authority's website.

SEC. 29. Congressional Oversight Committee. - There is hereby created a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act. The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives. The members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to *pro rata* representation but shall have at least two (2) representatives from each Chamber.

SEC. 30. Sunset Review. - Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a systematic

evaluation of the accomplishments and impact of this Act, as well as the performance and organizational structure of the Authority, for purposes of determining remedial legislation.

SEC. 31. Implementing Rules and Regulations. - The Authority shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after its approval. The Director-General, in consultation with relevant government agencies and other key stakeholders, shall take the lead in the preparation of the implementing rules and regulations.

SEC. 32. Repealing Clause. - All laws, decrees, executive orders, proclamations, and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SEC. 33. Separability Clause. - If any provision of this law is declared unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SEC. 34. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,